

**ENTERED**

May 13, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

RICHARD WAYNE JENNINGS,

TDCJ #00820776,

Plaintiff,

VS.

MONTY HUDSPETH, *et al*,

Defendants.

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§ CIVIL ACTION NO. 3:11-CV-111

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**ORDER**

Plaintiff Richard Wayne Jennings (TDCJ #00820776) seeks leave to proceed in forma pauperis (“IFP”) on appeal. Jennings’s motion (Dkt. 116) is **GRANTED**.

The appellate case docketing fee will be taken from Jennings’s prison trust account in accordance with 28 U.S.C. § 1915(b). Based on the certified inmate trust account statement provided by Jennings (Dkt. 117), the Court **ORDERS** that:

1. Jennings is assessed an initial partial filing fee of \$1.67.
2. Jennings shall pay the remainder of the appellate filing fee in periodic installments as required by 28 U.S.C. § 1915(b)(2) until the entire appellate filing fee of \$505.00 has been paid. The agency having custody of Jennings shall collect the installments from Jennings’s trust account or institutional equivalent and forward it to the Clerk of the District Court in compliance with the terms of this Order.

Jennings has also requested that the Court appoint counsel for him (Dkt. 114). That motion is **DENIED**. “An attorney should be appointed only if exceptional circumstances exist.” *McFaul v. Valenzuela*, 684 F.3d 564, 581 (5th Cir. 2012) (citing *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982)). In making that determination, the Court considers the case’s type and complexity, the litigant’s ability to investigate and present his claims, and the level of skill required to present the evidence. *Baranowski v. Hart*, 486 F.3d 112, 126 (5th Cir. 2007). Jennings has represented himself well and expressed his contentions clearly throughout this litigation, including in a previous appeal to the Fifth Circuit, and this case does not present any complex legal issues.

The Clerk of this Court shall send a copy of this Order to the parties and to the Clerk of Court of the United States Court of Appeals for the Fifth Circuit. The Fifth Circuit docket number is 16-40665.

The Clerk of this Court shall also mail a copy of this Order to (1) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629 and (2) the TDCJ Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711.

SIGNED at Galveston, Texas on May 11 2016.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE